

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELMAGIN CAPITAL LLC,

Plaintiff,

v.

**CHAO CHEN;
KARL PETTY;
ENTERGRID LLC;
ENTERGRID FUND I LLC**

Defendants.

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**CIVIL ACTION NO.:
2:20-cv-02576-TJS**

(PROPOSED) ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of PLAINTIFF, ELMAGIN CAPITAL, LLC'S REQUEST FOR RECONSIDERATION OF THE COURT'S DENIAL OF PLAINTIFF'S JMOL TO REVERSE THE VERDICTS FINDING BAD FAITH OF PLAINTIFF AND ABSENCE OF BREACH OF THE NDNC AGREEMENT, it is hereby ORDERED as follows:

(a) Plaintiff's Request for Reconsideration of the Court's denial of Plaintiff's oral motion for JNOV is GRANTED;

(b) Plaintiff's request that the Court reverse its denial of JNOV as to:

- i. the bad faith filing of the Complaint by Plaintiff; and
- ii. Breach of the NDNC agreement by Defendant Chao Chen

is GRANTED.

- (c) Plaintiff's motion for JMOL as to the jury verdict finding Plaintiff filed the complaint in bad faith is GRANTED and judgment shall be entered that Plaintiff's claims were not brough in bad faith.
- (d) Plaintiff's motion for JMOL as to the jury verdict finding that Chao Chen did not breach the NDNC Agreement is GRANTED and judgment shall be entered that Chen did breach the NDNC.

BY THE COURT:

Dated:

Stephanos Bibas

UNITED STATES CIRCUIT JUDGE